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COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Fifty-third session

SUMMARY RECORD OF THE 1289th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 12 August 1998, at 10 a.m.

Chairman: Mr. ABOUL-NASR

later: Mr. DIACONU

later: Mr. ABOUL-NASR

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The meeting was called to order at 10.10 a.m.

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION (agenda item 4) (continued)

Ninth to twelfth periodic reports of Jordan (continued) (CERD/C/318/Add.1; HRI/CORE/1/Add.18/Rev.1)

1. At the invitation of the Chairman, the members of the delegation of Jordan resumed their places at the Committee table.

2. Mr. HADDAD (Jordan), replying to the Committee's questions, said that the question of conflict between domestic legislation and international or bilateral instruments was settled by a competent court. There was also the possibility of recourse to international arbitration.

3. Jordan had distributed the text of the Convention, together with commentaries on human rights instruments, to all State bodies, including those responsible for security, and to the media, and it had been published nationwide. Jordan's ninth, tenth, eleventh and twelfth periodic reports had likewise been distributed to the media, which were free to publish and discuss them. To commemorate the fiftieth anniversary of the Universal Declaration of Human Rights, the Government had established a committee on human rights whose membership included a minister and representatives of bodies that worked in relevant fields.

4. Under the Penal Code, any person who was a victim of racial discrimination could seek redress. Guarantees for plaintiffs included the provision of a lawyer if the plaintiff did not already have one.

5. In response to the contention that articles 150 and 151 of the Penal Code were not in accordance with article 4 of the Convention, he said that there were other articles in Jordanian legislation that did specifically comply with that article, and that the Penal Code had been drafted and adopted before Jordan had acceded to the Convention. The Government had requested that amendments to the Penal Code be drafted to take account of the provisions of the Convention.

6. On the question of citizenship, a foreign woman who married a Jordanian could be granted Jordanian nationality after five years of marriage. The period was three years if the woman married to a Jordanian held an Arab nationality. In both cases, any children were considered Jordanians. A foreign man who married a Jordanian woman did not acquire his wife's nationality, although he could apply for it. A person could not stand for high public office until at least 10 years after acquiring Jordanian nationality.

7. Jordan was home to many political parties representing a whole range of political views. The Government of Jordan had never refused authorization for a political party on the basis of its political opinions. Political parties were open to all, irrespective of race or religion. They could publish their own newspapers and were not subject to Government control.

8. The Government prohibited distribution of The Protocols of the Elders of Zion in Jordan.

9. Jordan was the only State that had granted citizenship to Palestinians collectively. All Palestinians residing in Jordan had the right to take Jordanian nationality. They could hold high office and take part in the public life of the country in the same way as other Jordanians. At the same time, they could keep their Palestinian identity. Palestinians, including those who lived in camps, were free to move around the national territory without restrictions of any kind. The camps were not a form of racial segregation. They had been set up under the supervision of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) to house refugees. Some Palestinians chose to live in the camps for economic reasons.

10. There were no quotas as to the number of Palestinians in Parliament or in the army. Palestinians in the West Bank and Gaza Strip could apply for temporary passports which made it easier for them to travel and thus enjoy full freedom of movement. However, the temporary passports themselves did not endow the holders with Jordanian nationality.

11. The King of Jordan and Prince Hassan had asked the international community for help in dealing with displaced persons, since Jordan could not provide electricity, schools, telecommunications and so on for 200,000 people single-handed. Nevertheless, the Government was doing its best for them.

12. Jordan was an Arab State based on Arab and Islamic culture, with a civilization based not on racial differences, but on common humanity. His country rejected all forms of racial discrimination and respected human rights.

13. Mr. de GOUTTES said that he had received a communication dated July 1998 from a non-governmental organization, the Jordan Society for Human Rights. The Society described the passing of a "temporary law" in May 1997, amending the 1993 law on the press. The temporary law had been overturned, but in June 1998 a new draft had been submitted to the lower chamber of the Jordanian Parliament, banning the publication of certain types of material. It had been widely criticized in some quarters as being contrary to freedom of expression. He would like to know whether the draft law expressly referred to racial discrimination or incitement to racial hatred.

14. Mr. YUTZIS, referring to paragraph 43 of the Jordanian report (CERD/C/318/Add.1), noted that article 16 of the Jordanian Constitution stated that Jordanians had the right of assembly and the right to form associations and political parties. Did that provision apply equally to people who were not Jordanian citizens?

15. The CHAIRMAN pointed out that, according to its article 1, paragraph 2, the Convention did not apply to distinctions made by States parties between citizens and non-citizens, unless they were of a very serious nature.

16. Mr. HADDAD (Jordan), replying to Mr. Yutzis, said that the Government permitted people to associate freely provided that it was informed of the proposed meeting, so that it could ensure public security and assure itself that the meeting did not have an illegal purpose. There were no regulations forbidding free association among non-nationals of Jordan. There were, for example, many religious meetings and professional conferences in Jordan, which were attended by non-Jordanian nationals.

17. Turning to the proposed amendments to the law on the press mentioned by Mr. de Gouttes, he said that the first "temporary law" of May 1997 had, indeed, been overturned by the courts because it had been considered unconstitutional. The later amendment proposed to punish infringements of the law on the press by a fine, instead of imprisonment. It also laid down a minimum level of capital which Jordanian newspapers must possess: in the past, many of Jordan's newspapers had been so financially insecure that they could barely pay their own staff and had, therefore, been vulnerable to pressure from hostile foreign interests. The measure was therefore in the interests of freedom of the press. The law prohibited the publication of material which advocated incitement to racial hatred, was offensive to any other State, including Israel, or was prejudicial to national unity. It prohibited the publication of material which the writer knew to be untrue and allowed journalists to preserve the confidentiality of the source of their material, even if it was State information. The draft had been approved by the lower chamber of Parliament, the House of Representatives, with a large number of amendments. It was now to be submitted to the upper house, the Senate, and he hoped that it would enter into force soon. In his opinion, it was a great improvement.

18. Mr. BANTON (Country Rapporteur), thanking the Jordanian representative for the additional information, said that he was particularly pleased by the Government's undertaking to review articles 150 and 151 of the Penal Code to ensure that they were sufficiently comprehensive to meet the requirements of the Convention. Perhaps the deficiencies noted by the Committee were compensated for by the provisions of other laws, or perhaps defendants could invoke the Convention itself before the Jordanian courts. If that was the case, he asked the Jordanian Government to explain the situation clearly in its next report. He also hoped that the next report would clearly explain any special features of the region in which Jordan was situated, since not all members of the Committee might be familiar with that part of the world. The Committee based its consideration of the situation in a State party on the reports it received, which must, therefore, be both full and easily comprehensible.

19. The CHAIRMAN said that the Committee had thus concluded the first part of its consideration of the Jordanian report.

20. The delegation of Jordan withdrew.

21. Mr. Diaconu took the Chair.

Draft concluding observations concerning the fourteenth periodic report of Cyprus (CERD/C/53/Misc.19; future CERD/C/304/Add.56) (continued)

22. The CHAIRMAN invited the Committee to resume its consideration of the draft concluding observations concerning the fourteenth periodic report of Cyprus (CERD/C/53/Misc.19).

Paragraphs 12 and 13

23. Paragraphs 12 and 13 were adopted.

Paragraph 14

24. Mr. BANTON, following suggestions by Mr. YUTZIS and Mr. RECHETOV, proposed that the phrase "in the fight to eliminate racial discrimination" should be replaced by "in the elimination of racial discrimination".

25. Paragraph 14, as amended, was adopted.

Paragraph 15

26. The CHAIRMAN, speaking as a member of the Committee, said that technical assistance was usually offered only to relatively poor countries. He doubted whether Cyprus really came into that category.

27. Mr. van BOVEN said it was important to make it clear that the Government of Cyprus, in it efforts to set up a national human rights institution, could make use of the expertise and information available within the Office of the United Nations High Commissioner for Human Rights, without necessarily referring explicitly to the kind of assistance sought.

28. Mr. de GOUTTES said that it was important to emphasize the main point - namely, that a human rights institution was to be set up in Cyprus.

29. Mr. SHAHI, agreeing with Mr. de Gouttes, said that Cyprus had prepared its report competently and that the Government did not, therefore, appear to need technical assistance from the Office of the High Commissioner. Should the paragraph be retained, he would suggest adding that the Government might avail itself of the expertise of members of the Committee.

30. Mr. YUTZIS pointed out that, as it stood, the paragraph implied that the establishment of a human rights institution had been an idea of the Committee, whereas it was, in fact, an initiative of the Government of Cyprus. It should therefore be reworded to that effect.

31. Mr. van BOVEN, supported by Mr. RECHETOV, proposed that the Committee should adopt the following compromise text:

> "The Committee suggests that the Government of Cyprus may wish to avail itself of any advice and assistance which may be rendered by the

Office of the United Nations High Commissioner for Human Rights with regard to the Government's initiative to establish a national human rights institution."

32. It was so decided.

33. Paragraph 15, as amended, was adopted.

New paragraph 16

34. Mr. van BOVEN proposed inserting a new paragraph 16, with the final paragraph of the draft renumbered accordingly, reading:

"The Committee requests the State party to give wide publicity in its territory to the fourteenth report submitted to the Committee, to the present concluding observations, as well as to the possibilities of making use of the procedure provided for in article 14 of the Convention."

35. New paragraph 16 was adopted.

Paragraph 16 (new paragraph 17)

36. Paragraph 16 (new paragraph 17) was adopted.

37. The draft concluding observations concerning the fourteenth periodic report of Cyprus as a whole, as amended, were adopted.

38. Mr. Aboul-Nasr resumed the Chair.

PREVENTION OF RACIAL DISCRIMINATION, INCLUDING EARLY WARNING MEASURES AND URGENT ACTION PROCEDURES (continued)

Bosnia and Herzegovina (continued)

39. Mr. NOBEL, noting that the issue had been included in the programme of work under the item on prevention of racial discrimination but that a substantive dialogue had in the meantime been resumed with the State party's delegation, wondered whether as Country Rapporteur he could draft a text in the form of ordinary concluding observations.

40. Mr. van BOVEN said that he could see no objection to doing so.

41. Mr. SHAHI said that the question of Bosnia and Herzegovina had always come under item 3 and he himself would prefer to continue to deal with it as an urgent matter. Also, thought must be given to the precedent that would be set, and whether the Committee wanted thereafter to consider that the delivery of a substantive statement by a State party representative was the equivalent of a periodic report.

42. Mr. DIACONU concurred. The Committee could not change agenda items in mid-stream, and there was no periodic report. The issue should remain under item 3 and the Country Rapporteur could inform the State party either that the

subject would in future continue to come under urgent action procedures or that it would thenceforth be dealt with according to the normal procedure for the consideration of reports under article 9 of the Convention.

43. Mr. RECHETOV, agreeing with Mr. Shahi, said that in its final report, however, the Committee should note the very constructive development that the representative of Bosnia and Herzegovina had come before the Committee, which had given the Committee a sense of the situation there and even some cause for optimism.

44. Mr. de GOUTTES, supporting Mr. Shahi, said that the delegation itself would be perplexed if the Committee dealt with the issue under a procedure other than the one under which it had been invited. The matter should remain under the prevention procedure and Bosnia and Herzegovina should be asked to submit a report under article 9 as soon as possible.

45. Mr. SHERIFIS said that the matter, which was in the programme of work under prevention procedures, definitely did not come under consideration of reports under article 9 of the Convention.

46. Mr. BANTON, observing that it was not the first time a delegation from Bosnia and Herzegovina had met the Committee, said that the Committee should be consistent and treat the matter, as in 1996, under item 3. He agreed that in the Committee's final report it would have to be dealt with in the form of a decision. But that decision - as a middle way - could be couched in terms similar to ordinary concluding observations, with a final paragraph saying that the Committee hoped it could in future revert to its ordinary procedure, thus leaving the course open.

47. The CHAIRMAN said that he took it the Committee wished to proceed as Mr. Banton had suggested.

48. It was so decided.

The meeting rose at 12.10 p.m.